

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 2:06-CR-64
	)	
DEANDRA TWAIN LEWIS,	)	
	)	
Defendant.	)	
_____	)	

MOTION TO SUPPRESS STATEMENT  
AND REQUEST FOR JACKSON DENNO HEARING

COMES NOW, Defendant, Deandra Twain Lewis, by and through undersigned counsel, and moves this Court to hold a pretrial hearing to determine the voluntariness of statements allegedly made by Defendant to Detective Bartlett on 8 March 2006, and any and all statements allegedly made by Defendant. Defendant urges that said statements were custodial statements within the meaning of Miranda v. Arizona, 384 U. S. 436 (1966). Defendant avers further, that he was not advised of his right to counsel as required by Miranda, supra, and its progeny. Defendant further avers that he was coerced in order to induce him to make said statement(s).

Defendant requests a hearing pursuant to Jackson v. Denno, 378 U. S. 368 (1984) whereupon the Government be required to prove that said statements of the Defendant, were not in

violation of Miranda, supra. A Jackson v. Denno hearing is constitutionally mandated for a defendant who timely urges that his confession is inadmissible because it was not voluntarily given. The voluntariness hearing must afford the defendant an opportunity to testify regarding the inculpatory statement out of the jury's presence, and without prejudice to his right not to stand in his defense. Jarrell v. Balkcom, 735 F.2d 1242 (11th Cir. 1984); United States v. Davidson, 768 F.2d 1266 (11th Cir. 1985); Miller v. Dugger, 838 F.2d 1530 (11th Cir. 1988).

WHEREFORE, Defendant respectfully requests that his motion to suppress statement be granted or a hearing be set on this matter.

This 5<sup>th</sup> day of May 2006.

Respectfully submitted

Tony L. Axam/s/\_\_\_\_\_  
Tony L. Axam  
GA Bar No. 029725  
Attorney for Defendant

1280 West Peachtree Street  
Suite 310  
Atlanta, GA 30309  
(404) 524-2233  
(404) 897-1376 facsimile

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO.: 2:06-CR-64-MHT
	)	
DEANDRA TWAIN LEWIS,	)	
	)	
Defendant.	)	
_____	)	

CERTIFICATE OF SERVICE

I hereby certify that on this the 5<sup>th</sup> day of May, 2006 a true and correct copy of the foregoing Motion to Suppress Statement and Request for Jackson Denno Hearing has been served on opposing counsel by e-file/PACER to:

A. Clark Morris  
Assistant United States Attorney  
P. O. Drawer 197  
Montgomery, Alabama 36101-0197

Tony L. Axam /s/  
TONY L. AXAM